

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

EA DESIGNS AND COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 2:19cv677

COASTAL ACCENTS, LLC, et al.,

Defendants.

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COASTAL ACCENTS, LLC,

Counter and Third Party Plaintiff,

v.

EA DESIGNS AND COMPANY,

Counter Defendant,

and

EMILY SHEIPE,

Third Party Defendant.

ORDER

This matter comes before the court on competing Motions to Dismiss ("Motions") challenging personal jurisdiction and the legal sufficiency for the claims asserted. ECF Nos. 4, 13. The motions were fully briefed.

On January 7, 2020, and on February 6, 2020, the Motions were referred to United States Magistrate Judge Douglas E.

Miller pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motions. ECF Nos. 11, 19. The Magistrate Judge's Report and Recommendation ("R&R") recommended granting James Rose's and Mary Rose's Motion to Dismiss, ECF No. 4, for lack of personal jurisdiction, and granting in part and denying in part EA Designs and Company's ("EA Designs") and Emily Sheipe's ("Sheipe") Motion to Dismiss the Counterclaim and Third Party Claim, ECF No. 13. In the R&R, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of the R&R to the objecting party. Id. at 25-26. No objections were filed.

Accordingly, the court **ADOPTS AND APPROVES IN FULL** the findings and recommendations set forth in the Magistrate Judge's thorough and well-reasoned R&R filed on March 18, 2020. ECF No. 20. The court **GRANTS** James Rose's and Mary Rose's Motion to Dismiss for lack of personal jurisdiction and, as such, dismisses the claims against each of them. The claims in the Complaint against Defendant Coastal Accents, LLC remain in the case.

The court also **GRANTS IN PART** and **DENIES IN PART** EA Designs's and Sheipe's Motion to Dismiss the Counterclaim and Third Party Claim, respectively. As such, the court dismisses the claims for fraud and punitive damages against both EA Designs and Sheipe, and the claim of unjust enrichment against Sheipe. Count I of the Counterclaim under the North Carolina Unfair and Deceptive Trade Practices Act ("UDTPA") against EA Designs and Sheipe in her individual capacity for her alleged tortious conduct, and Count II of the Counterclaim for unjust enrichment against EA Designs, remain in the case for further decision. Responses to these claims shall be filed on or before May 11, 2020.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

**IT IS SO ORDERED.**

/s/   
Rebecca Beach Smith  
Senior United States District Judge

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REBECCA BEACH SMITH  
SENIOR UNITED STATES DISTRICT JUDGE

April 22, 2020